

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES – JANUARY 17, 2006.**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Woykowski, Buoye, Housel, Turner, Oakley and Van Deursen –
6 Present.

Absent: Glaser – (Due to Illness).

Also Present: Richard J. Sheola, Borough Manager
Richard P. Cushing, Esq., Municipal Attorney
Robert Miller, C.M.E., Borough Engineer
Linda L. Hendershot, RMC/CMC, Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

MINUTES:

Regular Meeting – December 27, 2005

Mayor Van Deursen entertained additions or corrections to the minutes of the regular meeting held December 27, 2005.

Councilwoman Woykowski had corrections on Page 5 and Page 20 of which she gave the Clerk for correcting.

It was therefore moved by Housel, seconded by Turner that the minutes of the regular meeting held December 27, 2005 be approved with the corrections.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0. Motion carried.

COMMUNICATIONS:

The following communications were entered into the Record:

1. NLLM Re: S-457, Time of Decision Rule;
2. Public Notice – NJ Highlands Council Meeting;
3. Comcast Fax Newsletter;

4. Resolution Re: Property Tax Reform Legislation;
5. Resolution Re: Suspension of Expenditures Re: Highlands Act Town of Phillipsburg,
6. NJLM RE: Pay to Play and Penalties for Municipal Ordinance Violations;
7. NJLM Re: Bills on Governor's Desk

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by Turner, seconded by Buoye that the communications be acknowledged, received and filed.

Ayes: 6, Nays: 0.
Motion carried.

AUDIENCE:

Mayor Van Deursen entertained remarks from the audience on items that were not on the agenda.

Gina Appleby, 28 Willow Street asked if the ordinance with respect to pedophiles was going to be considered this evening as it was not on the agenda the audience received? Mayor Van Deursen explained that the agenda had been amended and that Ordinance #3-2006 was going to be considered this evening.

Michael DeMonte wanted to discuss the sewer bill reform issue. Mayor Van Deursen noted that he would be acknowledged during the business portion of the agenda when this item would be discussed.

Patricia Boden, 106 Taft Terrace asked when something would be done about the house on East Washington Avenue by Washington Headquarters. This property is an eyesore as well as the Krauszer's near the intersection of Washington's welcome sign. Their garbage dumpster is in horrible condition. Washington is promoting a Hometown Friendly atmosphere and clean town and the residents have to be subjected to these two eyesores in the community. If their properties were in this type of condition they would be cited by the Code Enforcement Officer.

The East Washington Avenue property has some legal issues that are involved as the property owner is presently incarcerated. Attorney Cushing addressed this issue and noted that if there are structural issues involved the construction code official can do an evaluation of the property and then legal steps could be taken to secure this property.

The Manager was directed to contact the state on this property.

Hearing no further audience comments, it was moved by Oakley, seconded by Housel to close the audience portion of the meeting.

Ayes: 6, Nays: 0.
Motion carried.

ORDINANCES:

Ordinance #2-2006 – Salary Ordinance – Director of Parks & Recreation (First Reading)

An ordinance providing the salary for the Director of Parks & Recreation was introduced by Councilman Buoye.

It was further moved by Buoye, seconded by Turner that the Clerk read Ordinance #2-2006 by title only.

Roll Call: Oakley, Turner, Woykowski, Housel, Buoye and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

The Clerk read Ordinance #2-2006 entitled, “AN ORDINANCE FIXING THE SALARY AND WAGES OF CERTAIN MUNICIPAL OFFICIALS AND REPEALING PORTIONS OF PRIOR INCONSISTENT SALARY AND WAGE ORDINANCES”.

Council Discussion:

Councilman Turner questioned why Council was establishing a salary when Council has not established the position?

Councilwoman Woykowski requested that she would like to see what the exact amount of the benefit package would be for this full-time position.

Councilman Housel stated that he had a problem adopting this ordinance when Council does not know what the Recreation Commission’s budget looks like. He felt the ordinance was premature until Council knows what their budget looks like.

Mayor Van Deursen called for a vote on the ordinance’s introduction on first reading.

It was moved by Turner, seconded by Buoye that Ordinance #2-2006 be approved on first reading.

Roll Call: Buoye and Van Deursen – Ayes: 2, Housel and Turner – Nays: 2
Woykowski and Oakley – Abstained.

Motion Defeated.

Council requested that more information be provided to them such as the Recreation Commission's budget projection, benefit package and job description of this full-time position being considered.

Ordinance #3-2006 – Sex Offender Residency Prohibition (First Reading)

An ordinance providing for a section in the Borough's Code regarding Sex Offender Residency Prohibition was introduced by Councilman Turner.

It was moved by Turner, seconded by Housel that the Clerk read Ordinance #3-2006 by title only.

Roll Call: Turner, Van Deursen, Buoye, Housel and Woykowski – Ayes: 6,
Nays: 0, Abstained: Oakley.

Motion carried.

Council Discussion:

Councilman Housel questioned the 3,000 feet and felt that the distance was a little steep. He suggested 1,500 feet to be consistent with the Drug Free School Zone.

Councilwoman Oakley questioned whether there would be a provision for those pedophile people who have children? She also questioned the section with respect to the fact that those offenders with leases must move in accordance with this section and the fact that if they own their property they don't have to move?

Councilman Turner questioned whether the Council is obligated to have a grandfather clause in the ordinance?

Councilwoman Woykowski noted that Council did originally ask for a map to determine the extent of the 3,000 feet radius.

Councilman Buoye was concerned that the ordinance was prepared in a legal fashion that would avoid challenges to the ordinance to avoid a Class Action Suit?

Councilman Turner noted that there could be an argument with the size of the radius within the zone.

Mayor Van Deursen entertained comments from the audience.

Gina Appleby, 28 Willow St. - Mrs. Appleby thanked the Council for placing this ordinance on the agenda for consideration. She questioned why the introduction of this ordinance took so long. Mrs. Appleby quoted statistics and noted that presently there are six (6) pedophiles registered in the Borough and seventy-seven (77) names registered within Warren County. She urged Council to consider this ordinance. We have to protect our children. She urged Council not to be afraid to adopt this ordinance. Our children deserve to be protected. As a governing body you are leaders of the community and you must keep them out of our community and away from our children.

Mark Gunner, S. Lincoln Avenue noted that 3,000 Ft. will probably keep them out of town.

Susan Vega, 114 W. Washington Avenue noted that she has a pedophile offender a block away from her home. She is concerned for her children, particularly one of her children that is hearing impaired.

Lydia Ortiz, 74 Lenape Trail has a pedophile offender living right next to her. She stated that our children in Washington have a right to be happy and free in our community. She supported the adoption of this ordinance.

Angela Frey, 196 W. Wahington Avenue urged the adoption of this ordinances. She felt that Council should not be afraid of what the consequences would be.

Sherry Dell Elba, W. Stewart St. stated that if any one of the Council has children they certainly should want to keep these offenders out of town.

Erica Dodd, 200B Rush Street noted that there has been an incident right here in Washington. She could not fathom that the Council would not be in favor of the adoption of this ordinance.

Councilman Buoye explained that he was not against the idea of a pedophile free zone but concerned with the legalities of the ordinance. He was looking to see what the Council can legally do.

Patricia Boden, 106 Taft Terrace urged Council to adopt this ordinance. She did not know how anyone could put a price tag on their child. The Borough has insurance to cover the costs of any challenge to the ordinance to protect the taxpayers rights.

William Gaw, 83 W. Stewart St. noted that there is really no proven medical cure for this type of illness.

Ann Hardiman, W. Stewart St. was appalled with the emotionalism throughout the room. She felt the issue should be further researched for solid facts, more solid documentation and there was no reference to of Megan's Law.

Joyce Pyle, 88 W. Stewart St. noted that anyone in this room who has a child; there is nothing more important than taking care of our child. We have failed our children if we are afraid to consider the adoption of this ordinance.

Tara Harrington, 28 W. Washington Avenue noted that these people are criminals and have committed an unforgivable sin.

Lori Smith, 53 Lenape Trail noted that although she has no small children, she has grandchildren who come to visit. She doesn't want them to be afraid to be playing out in her yard.

Councilman Housel noted that Council can pass all the laws in the world and there will still be those people out there still breaking the law. We have to be vigilant and watch and see what's happening out there. You also have an obligation to do everything in your power to protect your children as well.

Councilman Turner commended the public for coming out and giving the Council their thoughts and opinions on this matter.

Mayor Van Deursen called for a motion to approve this ordinance on first reading.

It was moved by Turner, seconded by Housel that Ordinance #3-2006 be approved on first reading.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

It was further moved by Turner, seconded by Housel that Ordinance #3-2006 be published in the Star Gazette on January 26, 2006 and that the public hearing be scheduled for February 21, 2006.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0. – Motion carried.

It was moved by Oakley, seconded by Turner that the Council take a short recess at 9:15 PM prior to going into a short **Executive Session** to discuss a personnel matter

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Oakley, seconded by Buoye that Council go into **Executive Session** to discuss a personnel matter at 9:20 PM.

Ayes: 6, Nays: 1
Motion carried.

It was moved by Housel, seconded by Oakley that Council go out of Executive Session and back into open session at 9:50 PM.

Ayes: 6, Nays: 0.
Motion carried.

REPORTS:

It was moved by Oakley, seconded by Buoye that the Council acknowledge, receive and file the Borough Manager's (2), A & E O.T, Road Department, Municipal Court (2), Collector-Treasurer, Police (3), Trial Balance (2) and Fire Prevention reports.

Discussion: The engineer's report was submitted this evening. Councilman Turner noted that in view of the fact the report was only received this evening it should be tabled for consideration at the next meeting. He suggested that the engineer be advised that Council would like this report in a more timely manner than on the evening of the meeting for approval.

Councilwoman Woykowski asked what the status of the questionnaire was that will be forward to the residents on N. Prospect Street? Mr. Miller indicated that the letter would be sent out within the next week or two.

Councilman Housel inquired as to the status of the Rt. 57/Prospect Street traffic signal. Mr. Miller noted that it is presently in the design phase.

VOUCHERS & CLAIMS:

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment.

Councilwoman Oakley questioned why so many telephone bills? The storage shed rent was discussed and will be eliminated when the garage is built with storage of borough records to be housed there.

It was therefore moved by Turner, seconded by Housel that the vouchers and claims be paid in the amount of \$ 2,274,623.57 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Woykowski, Van Deursen, Turner, Buoye and Oakley – Ayes: 5,
Nays: 0. Abstained: Housel.

Motion carried.

** Councilman Housel had to be excused from the meeting for a short time but returned at 10:10 PM.

OLD BUSINESS:

S. Lincoln Avenue Report

The final report was received from Councilman Buoye's committee on the South Lincoln Avenue.

The report was acknowledged, received and filed. Councilwoman Woykowski commended Councilman Buoye and his committee on their excellent reports.

Report Stephanie Lewis Sewer Rate Adjustment

A summary of sewer utility operations, actual and forecast showing operating deficits beginning in 2001 and continuing to the present was submitted from Stephanie Lewis, the Borough's Financial Consultant. Based on the report it is recommended that a \$ 2.00 per month increase from \$ 43.00 to \$ 45.00 be implement for this year. The Borough has not instituted an increase since 1998.

Councilman Turner was still disappointed that Council did not pursue any other sewer billing options.

Mayor Van Deursen noted that when Stephanie Lewis appeared at one of our former Council meetings and outlined the Borough's method of billing based on construction costs and the Borough's debt, the majority of Council was in favor of utilizing the same method of billing at present.

Councilwoman Oakley thought we would have this information the first of the year.

Councilwoman Woykowski noted that there was no actual vote taken on this issue.

Councilman Turner stated that this issue is just going to continue to reoccur. Maybe just educating the public to why and how the billing policy was arrived at would help everyone have a better understanding of the issue.

Councilman Housel suggested contacting Stephanie Lewis to meet with a committee to work on this policy decision that was made and perhaps explore some other options of billings to bring back to the governing body and the public.

Mayor Van Deursen noted that a committee did work very diligently and hard on this very issue. However, given the fact that this is a new governing body she solicited volunteers to form a new committee. Councilman Turner, Councilwoman Woykowski and Councilman Housel volunteered to serve on the committee.

Resolution #43-2006 – Adjusting Sewer Rate Per Equivalent Unit

The following Resolution was moved by Oakley seconded by Housel and adopted:

RESOLUTION #43-2006

**RESOLUTION ESTABLISHING SEWER RATE PER EQUIVALENT
DWELLING UNIT FOR THE BOROUGH OF WASHINGTON,
COUNTY OF WARREN, STATE OF NEW JERSEY
FOR THE YEAR 2006.**

WHEREAS, the Borough of Washington owns and operates a Sewer Utility known as the Borough of Washington Municipal Sewer Utility (BOWMSU); and

WHEREAS, the Mayor and Council, under the Borough of Washington Code, S70-5-G have the ability to fix and collect rates, fees, rents and other charges in accordance with the law; and

WHEREAS, under S70-28-A-(1), the Mayor and Council have the authority to review and revise the rates for services and to establish an annual sewer charge, which shall be uniform and equitable for the same types and classes of use and services; and

WHEREAS, the Mayor and Council have not changed the Equivalent Dwelling Unit (EDU) rate since 1999 and upon careful consideration have determined the EDU rate for 2006 must be amended; and

NOW THEREFORE E IT RESOLVED, the EDU rate for the year 2006 shall be \$540, billable monthly at the rate of \$ 45 per EDU; and

BE IT FURTHER RESOLVED, the revised rate shall take effect for all bills generated after February 10, 2005.

Roll Call: Woykowski, Housel, Buoye, Van Deursen and Oakley – Ayes: 5,
Nays: Turner. Motion carried.

Mayor Van Deursen recognized Mr. DeMonte. Mr. DeMonte still felt that in all fairness to the citizens the billings should be based on usage instead of EDU. He submitted a table at a prior meeting for the Council's consideration.

Bob Burd, Manager of the 66 Park Avenue Apartments also indicated that they needed a break. There is no fairness to this system.

Council Goals – 2006/2007

Council discussed and reviewed the Council Goal List.

Councilwoman Woykowski expressed her concern that the complaint tracking system she requested is not up and running to date. She would like to see this program started as soon as possible.

Council requested that the Council Appearance Schedule be implemented once again where the departments appear before Council.

Councilman Turner addressed road projects and suggested that Council limit our road projects this year and fix what we started. Council needs to find a way to reduce taxes and spending. Efficiency testing – needs/wants?

Councilwoman Oakley felt that Council should continue their road projects, otherwise we will be falling behind.

The engineer's five (5) year road plan was discussed and the engineering design of projects. Council suggested that the plans be designed early in the year so that these projects can be bid out and done in early summer and fall before bad weather sets in.

Web-site complaints were also discussed.

No formal action was taken on the Council Goals for 2006/2007. Continued discussion will be held at the next Council meeting.

NEW BUSINESS:

Resolutions #31-2006 thru #38-2006

It was moved by Housel, seconded by Oakley that **Resolutions #31-2006 thru #38-2006** be adopted:

RESOLUTION #31-2006

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS FROM
REVIEW AND/OR INSPECTION ESCROW ACCOUNTS HELD IN
TRUST BY THE BOROUGH OF WASHINGTON.**

WHEREAS, numerous applicant for subdivision or site plan approval have posted review and/or inspection fees with the Borough of Washington; and

WHEREAS, these funds were posted in separate escrow accounts to cover the cost of review and/or inspection services; and

WHEREAS, Municipal Engineer, Robert Miller, C.M.E., P.E. has determined that all outstanding bills have been paid for review and inspection services.

NOW, THEREFORE, BE IT RESOLVED. by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey, that the Municipal Treasurer is hereby authorized to issue a check to the individual or company named below for the actual account balance in the review and/or inspections accounts.

<u>ACCOUNT NAME</u>	<u>LAST ACTIVITY</u>	<u>ACCT. BAL. 1/17/06</u>
Allentown SMSA/Verizon	January, 2003	\$1,166.80
Church of Christ	June, 2002	22.77
Dunkin' Donuts (Vandac)	December, 2003	211.90
First Baptist Church	August, 2004	26.52
Mike's Auto Body	August, 1999	216.65
Nextel Communications	March, 2001	180.62
Norwescap	October, 2003	1,818.75
Omnipoint Communications	May, 2001	563.14
Opdyke's	January, 1999	30.52
Rosiak	July, 2003	12.51
Sprint Spectrum	January, 2001	1,108.71
Wirasnik, Daniel	December, 2003	101.57

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #32-2006

**RESOLUTION GRANTING A LEAVE OF ABSENCE
TO BEULAH M. BARRON**

WHEREAS, the governing body of a municipality may grant temporary leave of absence, without pay, to any employee provided such leave shall not exceed six (6) months at any one time; and

WHEREAS, the governing body desires to maintain complete and accurate records of employee benefits in accordance with New Jersey State Law; and

WHEREAS, Beulah M. Barron requested a leave of absence without pay due to personal illness for a period beginning 1/01/2006 and ending no later than 3/31/2006 for pension accounting; and

WHEREAS, the employee is not able to perform her duties due to personal illness and has no sick leave benefits and has requested a temporary Leave of Absence without Pay beginning January 1, 2006.

NOW, THEREFORE, BE IT RESOLVED, the Borough of Washington Common Council does hereby grant to Beulah M. Barron a temporary leave of absence, without pay, for the period beginning January 1, 2006 and ending no later than March 31, 2006, from her part-time position as School Traffic Guard with the Police Department.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Pensions and Benefits in order to allow the employee to retain her non-contributory insurance benefits during the Leave of Absence Without Pay.

Roll Call: Oakley, Turner, Van Deursen, Woykowski, Buoye and Housel.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #33-2006

**A RESOLUTION AUTHORIZING APPLICATION OF PRIOR QUARTER
TAX OVERPAYMENT TO CURRENT TAXES**

WHEREAS, according to the Tax Collector's records, Attorney Barbarula, on behalf of new homeowners Eric and Sylvie Krouse, made an overpayment on the estimated 3rd quarter 2005 taxes; and

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCTION</u>	<u>AMOUNT QTR./YEAR</u>
098/016	Krouse, Erie and Sylvie 8 Hann Terrace	\$ 36.31 3 rd Qtr. 2005

WHEREAS, the Tax Collector wishes to apply the overpayment to the upcoming 2nd quarter 2006 regular taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector is authorized to apply the overpayment of \$ 36.31 to the 2nd quarter 2006 taxes as requested.

Roll Call: Woykowski, Housel, Van Deursen, Turner, Buoye and Oakley

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #34-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 1,153.64 for 4th quarter 2005 taxes for Block 079, Lot 025.01; the result of Washington Mutual thru First American Real Estate Tax Service, making payment on October 26th, 2005 on behalf of Jamie Rodriguez. This duplicated a payment made on October 19th, 2005, by New Vision Title also for Jaime Rodriguez; and

WHEREAS, the Tax Collector has received written authorization from Washington Mutual directing the duplicate payment be returned directly to the homeowner:

Jaime Rodriguez
1 Fisher Ave.
Washington, NJ 07882

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 1,153.64 to the homeowner, Jaime Rodriguez at the address above.

Roll Call: Woykowski, Oakley, Buoye, Turner, Housel and Van Deursen.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #35-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT.**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 1,183.25 for 3rd quarter 2005 taxes for Block 101, Lot 015.29; the result of Washington Mutual, thru First American Real Estate Tax Service making payment on August 26th, 2005 on behalf of Abdul-Shabazz Ashanti. This duplicated a payment made on August 1st, 2005, by Mr. Ashanti, on his own behalf; and

WHEREAS, the Tax Collector has received written authorization from First American Real Estate Tax Service directing the duplicate payment be returned directly to the homeowner:

Abdul-Shabazz Ashanti
102 Lenape Trail
Washington, NJ 07882

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 1,183.25 to the homeowner, Abdul-Shabazz Ashanti at the address above.

Roll Call: Turner, Woykowski, Oakley, Van Deursen, Buoye and Housel.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #36-2006

**A RESOLUTION AUTHORIZING A REFUND
OF 2005 DUPLICATE TAX PAYMENT.**

WHEREAS, according to the Tax Collector's records, there has been a duplicate payment in the amount of \$ 955.00 for 3rd quarter 2005 taxes for Block 99, Lot 005 (131 W. Washington Avenue); the result of Chase Home Finance, through First American Real Estate Tax Service, making payment on August 26th, 2005 on behalf of Richard and Diana Rambone. This duplicated a payment made on August 9th, 2005, by Attorney Stuart Ours, in the same amount, also on behalf of Mr. & Mrs. Rambone; and

WHEREAS, the Tax Collector has received written authorization from Chase Home Finance, LLC, directing the duplicate payment be returned directly to them at:

Chase Home Finance, LLC
P.O. Box 569763
Dallas, TX 75356

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the duplicate payment in the amount of \$ 955.00 to the address shown above.

Roll Call: Van Deursen, Woykowski, Buoye, Housel, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

RESOLUTION #37-2006

**A RESOLUTION AUTHORIZING REFUND OF PRIOR
YEAR TAX OVERPAYMENT.**

WHEREAS, according to the Tax Collector's records, Attorney Guy Wilson, on behalf of new homeowners Craig Geller and Lynn Lee, made an overpayment on the 4th quarter 2004 taxes; and

<u>BLOCK/LOT</u>	<u>NAME OF OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT QTR./YEAR</u>
001.05/019	Craig Geller & Lynn Lee 270 Wyoming Avenue	\$ 10.68 4 th Qtr. 2004

WHEREAS, the Tax Collector wishes to refund the overpayment to Craig Geller and Lynn Lee, at the above address.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council for the Borough of Washington, in the County of Warren, State of New Jersey, that the Borough Tax Collector is authorized to refund the over payment of \$ 10.68 to the homeowner as requested.

Roll Call: Van Deursen, Buoye, Woykowski, Turner, Housel and Oakley.

Ayes: 6, Nays: 0.

Motion carried.

RESOLUTION #38-2006

**RESOLUTION AUTHORIZING THE BOROUGH OF WASHINGTON
TO MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$ 300.00.**

WHEREAS, N.J.S.A. 40:5-21 authorizes the establishment of a Petty Cash Fund for the Borough of Washington; and

WHEREAS, it is the desire of the Mayor and Council that said fund be continued under the direction of the Municipal Clerk.

NOW, THEREFORE, BE IT RESOLVED, on this 17th day of January, 2006, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the following Petty Cash Fund be established:

Municipal Clerk, Linda L. Hendershot \$ 300.00

The Municipal Clerk, having custody of the Fund must maintain said fund in accordance with the laws and regulations governing its operation.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.

Motion carried.

Resolution #39-2006 – Amending Temporary Budget

The following Resolution was moved by Housel, seconded by Oakley and adopted:

RESOLUTION #39-2006

**A RESOLUTION PROVIDING FOR AMENDING
TEMPORARY CURRENT FUND
APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2006 budget, temporary appropriations should be made for the purpose and amount required in the manner and time therein provided; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey do hereby make the following amendments to the temporary appropriations:

TEMPORARY APPROPRIATIONS – 2006 BUDGET

General Government:

Insurance:

Insurances

Commercial	\$ 81,610
Workmen's Compensation	1,000

Health & Human Services:

Animal Regulation

Other Expenses	\$ 500
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TOTAL AMENDMENTS TO APPROPRIATIONS: \$83,110.

Roll Call: Woykowski Housel, Buoye, Van Deursen, Oakley and Turner.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #40-2006 – Authorizing Manager to sign Professional Services Agreement

The following Resolution was moved by Housel, seconded by Oakley and adopted:

RESOLUTION #40-2006

**RESOLUTION AUTHORIZING MANAGER TO SIGN AGREEMENT WITH
HATCH, MOTT MacDONALD FOR WASTE-WATER CONSULTANTS
AND ENGINEERING FOR THE BOROUGH OF WASHINGTON,
WARREN COUNTY, NEW JERSEY.**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, Warren County, New Jersey, that the Borough Manager is authorized to sign and complete the requirements of an agreement with Hatch, Mott, MacDonald for waste-water engineering services as per the proposal attached for the period of January 1, 2006 to December 31, 2006.

Roll Call: Oakley, Van Deursen, Buoye, Housel and Woykowski – Ayes: 5,
Nays: Turner. Motion carried.

Resolution #41-2006 – Risk Manager’s Agreement

The following Resolution was moved by Housel, seconded by Oakley and adopted:

RESOLUTION #41-2006

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT FOR THE
BOROUGH OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY FOR THE YEAR 2006.**

WHEREAS, the Borough of Washington (hereafter “LOCAL UNIT”) has joined the Statewide Insurance Fund (hereinafter “FUND”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the FUND; and

WHEREAS, the FUND has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of Borough of Washington, in the County of Warren, State of New Jersey, as follows:

1. The Borough of Washington hereby appoints John Moore of Banc of America Corporate Insurance Agency, LLC, as its local Risk Management Consultant.

2. The Borough Manager and John Moore are hereby authorized to execute the Risk Management Consultant's Agreement for the fund year 2006 in the form attached hereto.

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #42-2006 – Indemnity & Trust Agreement

The following Resolution was moved by Housel, seconded by Oakley and adopted:

RESOLUTION #42-2006

**RESOLUTION APPROVING THE INDEMNITY AND TRUST AGREEMENT
WITH THE STATEWIDE INSURANCE FUND
FOR THE BOROUGH OF WASHINGTON,
COUNTY OF WARREN, STATE OF NEW JERSEY
FOR THE YEAR 2006.**

THIS AGREEMENT made this 17th day of January, 2006 by the Borough of Washington, in the County of Warren, State of New Jersey, by and between the Statewide Insurance Fund (hereinafter "FUND"), and the Borough of Washington, in the County of Warren, a duly constituted local unit of government (hereinafter "LOCAL UNIT");

WHEREAS, two or more local units have collectively formed a joint insurance fund as such an entity is authorized and described in N.J.S.A 40A:10-36 et seq.; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW, THEREFORE, it is agreed as follows:

1. The LOCAL UNIT, upon entering the FUND, agrees to be bound by and to accept and comply with each and every provisions of the FUND'S Bylaws, Risk Management Program, as it applies to the LOCAL UNIT and the applicable statutes and administrative regulations pertaining to joint insurance funds.

2. The LOCAL UNIT agrees to participate in the FUND with respect to those coverages listed in the LOCAL UNIT's "Resolution to Join" in accordance with the FUND'S Bylaws and Risk Management Program.
3. The LOCAL UNIT agrees to become a member of the FUND until **January 1, 2009**, at 12:01 a.m. eastern standard time. The commencement date shall be the effective date as established by the FUND's Bylaws and policies.
4. The LOCAL UNIT certifies that it has not been canceled for non-payment of insurances premiums for a period of at least two (2) years prior to the date hereof, or, if self-insured, that it has never defaulted on any claims.
5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND in accordance with statute and regulation, and by execution hereof the full faith and credit of the LOCAL UNIT is pledged to the punctual payment of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this agreement or any applicable statute or regulations.
6. If the FUND, in the enforcement of any part of this Agreement, shall incur necessary expense or become obligated to pay attorney's fees and/or court costs the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees and costs on demand.
7. The LOCAL UNIT and the FUND agree that the FUND shall hold in trust all monies paid by the LOCAL UNIT to the FUND and those monies will be used in accordance with all applicable statutes, the FUND'S Bylaws and the Risk Management Program.
8. If required by the Commissioner of Insurance or applicable statutes or regulations, the FUND shall establish separate trust fund accounts in accordance with N.J.S.A. 40A:10-36, et seq. and any other statutes or regulations that may be applicable. Said trust accounts shall be used solely for the payment of claims made against members of the FUND, excess insurance premiums and/or the administration of the FUND, or for such other purposes as now or hereunder permitted by statute or regulation.
9. Each LOCAL UNIT shall become a member of the FUND shall be obligated to execute an agreement similar in form to this Agreement.

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Appointment to Business Improvement District Board

Councilman Alex Buoye was appointed to the Business Improvement District Board.

Interior Work – Borough Hall

The Manager requested that Council consider authorizing the expenditure of \$2,200.00 for material for a Community Service Work to sheetrock the paneling in areas of the Borough Hall to lighten up the interior.

Extensive discussion followed. The question arose as to who would then paint the sheet rock. Councilman Turner suggested painting over the existing paneling.

A motion was made by Housel, seconded by Oakley that Council authorize the expenditure of \$ 2,200.00 to sheet rock the paneling in areas of the Borough Hall.

Roll all: Oakley and Housel – 2 Ayes: Turner, Van Deursen, Buoye and Woykowski – 4 Nays.

Motion Defeated.

Resolution #45-2006 – Transfer of Appropriations

The following Resolution was moved by Oakley, seconded by Housel and adopted:

RESOLUTION #45-2006

**A RESOLUTION AUTHORIZING THE TRANSFER OF
RESERVE APPROPRIATIONS.**

WHEREAS, various 2005 bills have been presented for payment this year, which bills were not covered by purchase orders and/or encumbered at the time of appropriation transfers between 2005 budget accounts during the last two months of 2005; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made by not less than 2/3 vote of the full

membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the succeeding year; and

WHEREAS, the Borough Manager and the Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

<u>TRANSFER FROM:</u>	<u>TRANSFER TO:</u>	<u>AMOUNT:</u>
Administrative/Executive Other Expenses	Administrative Salary & Wages	\$ 925.00
Mayor and Council Other Expenses	Civil Emergency Prep. Salary & Wages	269.00
Uniform Fire Safety Act Salary & Wages	Collection of Taxes Salary & Wages	2,295.00
Police Other Expenses	Police Salary & Wages	5,836.00
Road Department Other Expenses	Garbage Other Expenses	160.00
Road Department Other Expenses	Solid Waste Other Expenses	3,655.00
Elections Salary & Wages	Animal Control Salary & Wages	344.00
Elections Salary & Wages	Public Assistance Salary & Wages	217.00
Uniform Fire Safety Act Salary & Wages	Legal Salary & Wages	1,901.00
Local Code Enforcement Salary & Wages	Municipal Prosecutor Salary & Wages	849.00

Public Defender Other Expenses	General Engineering Other Expenses	\$ 400.00
Public Buildings & Grounds Other Expenses	Public Buildings & Grounds Salary & Wages	1,420.00
Planning Board Other Expenses	Planning Board Salary & Wages	274.00
Elections Salary & Wages	Board of Adjustment Salary & Wages	249.00
Uniform Fire Safety Act Salary & Wages	Shade Tree Salary & Wages	46.00
Road Department Other Expenses	Electricity Other Expenses	3,200.00
Fire Department Other Expenses	Electricity Other Expenses	1,000.00
Civil Emergency Prep. Other Expenses	Telephone Other Expenses	1,000.00
Roads Salary & Wages	Telephone Other Expenses	1,000.00
Total Appropriations Transfers:		\$ 25,040.00

Roll Call: Woykowski, Housel, Buoye, Van Deursen, Turner and Oakley.

Ayes: 6, Nays: 0.
Motion carried.

Resolution #46-2006 – Authorizing the Mayor to enter into a Contract for Professional Services

The following Resolution was moved by Oakley, seconded by Buoye and adopted:

RESOLUTION #46-2006

**A RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO A CONTRACT FOR PROFESSIONAL
SERVICES WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for additional professional engineering services related to the environmental remediation at the Allegar Street Garage site; and

WHEREAS, funds are available in the Capital Fund (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, Converse Consultants is familiar with the conditions surrounding the site as they have been associated with this project for many years; and

WHEREAS, the firm of Converse Consultants is familiar with the conditions surrounding the site as they have been associated with this project for many years; and

WHEREAS, the firm of Converse Consultants, Parsippany, NJ has submitted a proposal dated January 4, 2006 to perform engineering and environmental testing services for the above property; and

WHEREAS, the services to be provided by Converse Consultants, constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A:11-1 et. seq.)

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. That the Mayor and Council hereby appoint Converse Consultants, to provide professional engineering services to the Borough of Washington in matters pertaining to Allegar Street Garage as more specifically outlined in their proposed agreement, dated January 4, 2006.
2. The Mayor and Clerk are hereby authorized and directed to enter into an agreement with Converse Consultants, Parsippany, New Jersey.
3. The contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A:11-5 in the amount not to exceed \$ 8,300.
4. The necessary funds are available in the Capital Fund Accounts.

5. Notification of the contract award shall be printed in the Star Gazette.
6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Discussion: Councilman Turner asked why this service was not placed out for bids? It was noted that this project has been ongoing for at least eight years and this firm was retained originally to do the work. DEP has delayed this project.

Roll call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

Review of Administrative Code

This topic was tabled until the next meeting

Resolution #44-2006 – Awarding Bid for Garbage Recycling and Bulk Trash Collection

Prior to entertained an award of this bid Council discussion followed. Council was disappointed to find that there was only one bid received.

There were several options that the Council needed to make a determination. It was moved by Housel, seconded by Turner that the Council agree to a four (4) year contact with Blue Diamond.

Roll Call: Oakley, Turner, Buoye and Housel – Ayes: 4,
Nays: Van Deursen – Abstained: Woykowski.

Motion carried.

It was further moved by Turner, seconded by Oakley that the Council choose the option of picking up Bulk Trash quarterly for the four (4) year contract with Blue Diamond.

Roll Call: Oakley, Turner, Van Deursen, Buoye, Housel and Woykowski.

Ayes: 6, Nays: 0.
Motion carried.

The following Resolution awarding the contract for four (4) years to Blue Diamond Disposal was moved on a motion made by Housel, seconded by Oakley and adopted:

RESOLUTION #44-2006

**A RESOLUTION AWARDING BID FOR
GARBAGE, RECYCLING AND
BULK TRASH COLLECTION**

WHEREAS, the Borough of Washington advertised in the Star Gazette for qualified bidders for the above project; and

WHEREAS, the Borough received one (1) bid from a qualified contractor at the Bid Opening on January 9, 2006; and

WHEREAS, the bids received were as follows:

Blue Diamond Disposal Succasunna, NJ	<u>2006 - 2010</u>
Basic (once per week collection	\$176,800 per year
Recycling	\$ 88,400 per year
Twice per Week Collection	\$353,600 per year
Yard Waste	\$ 36,000 per year
Monthly Bulk	\$ 43,300 per year
Quarterly Bulk	\$ 43,200 per year
Garbage Twice per month Memorial Day/Labor Day	\$301,600 per year

WHEREAS, the Mayor and Council of the Borough of Washington wish to accept the bid that is in the best interest of the Borough of Washington and after consideration of the alternatives, establishes the service as follows:

For the years 2006 (beginning March 1, 2006, 2007, 2008 & 2009 (ending December 31, 2009).

Garbage – Once Per Week	\$ 176,800
Recycling – Twice Per Month	88,400
Bulk Trash – Quarterly	43,200
Yard Waste – Weekly during season	36,000
TOTAL	\$ 344,400

Roll Call: Housel, Buoye, Turner, and Oakley – Ayes: 4, Nays: Van Deursen
Abstained: Woykowski.

Motion carried.

Executive Session

It was moved by Turner, seconded by Oakley that Council go into **Executive Session** to discuss litigation.

Ayes: 6, Nays: 0.
Motion carried.

It was moved by Turner, seconded by Housel that Council go out of Executive Session and back into open session at 11:45 PM.

Ayes: 6, Nays: 0.
Motion carried.

COUNCIL REMARKS:

Mayor Van Deursen polled Council for remarks.

Councilman Buoye addressed the pedophile ordinance and noted that there was some pretty strong statements from the residents and they are very concerned. Mr. Buoye stated that he was sitting on Council to represent the people's views. The proposed ordinance that Council is considering may not be the only tool available. Other avenues should be explored.

The other members of Council had no remarks.

Mayor Van Deursen complimented the Council on the way they handled themselves with the public on this very volatile issue.

Council Minutes – 1-17-06
(Cont'd.) 28

Hearing no further business to come before Council, it was moved by Turner, seconded by Oakley that the meeting be adjourned at 11:45 PM.

Ayes: 6, Nays: 0.
.Motion carried.

Marianne Van Deursen, Mayor

Linda L. Hendershot, RMC/CMC
Borough Clerk